

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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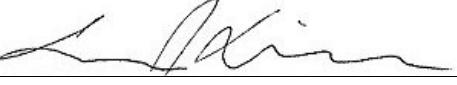
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:  
KELLEE MITCHELL, *individually, and on behalf of* :  
*others similarly situated,* :  
:  
Plaintiff, : 23-cv-6092 (LJL)  
:  
-v- : ORDER  
:  
SIRIUS XM RADIO, INC., :  
:  
Defendant. :  
:  
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LEWIS J. LIMAN, United States District Judge:

Plaintiff Kellee Mitchell has filed a notice of voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Under *Samake v. Thunder Lube, Inc.*, 24 F.4th 804, 809–811 (2d Cir. 2022), the Court retains jurisdiction over this action for the limited purpose of determining whether a settlement of the Fair Labor Standard Act claim exists and, if so, its fairness. Accordingly, the parties are directed to submit a joint letter on or before August 25, 2023 indicating whether such a settlement exists and thus whether a hearing pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) is required.

SO ORDERED.

Dated: August 22, 2023  
New York, New York

  
LEWIS J. LIMAN  
United States District Judge